

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VEROBLUE FARMS USA, INC.,	:	Misc. Action No. <u>1:19-mc-375</u>
	:	
Plaintiff,	:	DECLARATION OF ADAM C.
-against-	:	DECKER IN SUPPORT OF
	:	PLAINTIFF’S MOTION TO
LESLIE A. WULF, et al.,	:	COMPEL RESPONSE TO
	:	SUBPOENA
Defendants.	:	
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I, Adam C. Decker, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am one of the attorneys for Plaintiff VeroBlue Farms USA, Inc. (“VBF” or the “Plaintiff”) in the underlying action of *VeroBlue Farms USA, Inc. v. Wulf, et al.*, which was filed on July 31, 2018 in the United States District Court for the Northern District of Iowa (Central Division), Case No. 3:18-cv-03047-LTS-MAR, and was subsequently transferred to the United States District Court for the Northern District of Texas (Dallas) on March 28, 2019, Case No. 3:19-cv-00764-L, where it is currently pending (the “Underlying Action”). I submit this declaration in support of Plaintiff’s Motion to Compel Response to Subpoena in the above-captioned action.

2. I make this declaration based on my own personal knowledge and based upon the sources described, true and correct copies of which are attached hereto.

3. Attached hereto as **Exhibit A** is a true and correct copy of Plaintiff’s Amended Complaint (Dkt. 9) in the Underlying Action.

4. Attached hereto as **Exhibit B** is a true and correct copy of Plaintiff’s proposed Second Amended Complaint (Dkt. 102-1) in the Underlying Action.

5. Attached hereto as **Exhibit C** is a true and correct copy of an email chain dated June 12, 2015 through June 16, 2015, which includes the email chain between Dr. Anthony Michaels and Clive Ginsburg beginning June 12, 2015 and ending June 15, 2015, which email

chain was subsequently forwarded by Clive Ginsburg to Les Wulf on June 16, 2015, which email was subsequently forwarded by Les Wulf to the other Founders on June 16, 2015.

6. Attached hereto as **Exhibit D** is a true and correct copy of the referenced excerpts from the May 1, 2019 deposition of Clive Ginsburg in the Underlying Action.

7. Attached hereto as **Exhibit E** is a true and correct copy of the subpoena that Plaintiff issued to Canaccord Genuity Group, Inc. in the Underlying Action, dated March 7, 2019, with a compliance date of March 21, 2019.

8. Attached hereto as **Exhibit F** is a true and correct copy of the affidavit of service for Plaintiff's subpoena to Canaccord Genuity Group, Inc. in the Underlying Action.

9. Attached hereto as **Exhibit G** is a true and correct copy of the March 22, 2019 letter from Canaccord's counsel, Anthony Fiotto.

10. Attached hereto as **Exhibit H** is a true and correct copy of an email chain between one of Plaintiff's other attorneys in the Underlying Action, Eileen Boyle Perich, and Canaccord's counsel, Anthony Fiotto, dated March 29, 2019 through May 2, 2019.

11. Attached hereto as **Exhibit I** is a true and correct copy of my email dated June 28, 2019 to Canaccord's counsel, Anthony Fiotto, and the subpoena to Canaccord Genuity LLC ("Canaccord") that was attached thereto.

12. Attached hereto as **Exhibit J** is a true and correct copy of the July 2, 2019 letter from Canaccord's counsel, Anthony Fiotto.

13. Attached hereto as **Exhibit K** is a true and correct copy of my July 9, 2019 letter to Canaccord's counsel, Anthony Fiotto, and attached as Exhibit A thereto is a true and correct copy of the subpoena dated July 3, 2019 that Plaintiff issued to Canaccord in the Underlying Action, with a compliance date of July 12, 2019.

14. Attached hereto as **Exhibit L** is a true and correct copy of the affidavit of service for the July 3, 2019 subpoena that Plaintiff issued to Canaccord in the Underlying Action

15. Attached hereto as **Exhibit M** is a true and correct copy of the July 11, 2019 letter from Canaccord's counsel, Anthony Fiotto.

16. Attached hereto as **Exhibit N** is a true and correct copy of the Agreed Protective Order (Dkt. 112) in the Underlying Action.

17. Attached hereto as **Exhibit O** is a true and correct copy of my July 19, 2019 letter to Canaccord's counsel, Anthony Fiotto.

18. Attached hereto as **Exhibit P** is a true and correct copy of the July 31, 2019 letter from Canaccord's counsel, Anthony Fiotto.

19. To date, Canaccord has not produced any documents in response to Plaintiff's July 3, 2019 subpoena to Canaccord, or Plaintiff's prior subpoenas.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 9th day of August, 2019, at Chicago, Illinois.

A handwritten signature in black ink, appearing to read "Adam C. Decker", written above a horizontal line.

Adam C. Decker